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ABSTRACT

This paper depicts the origins, operation, and success of the Community Mediation Service established at the University of Hawaii, Manoa in 1979. During the 1970s, a national impetus for change arose out of stresses in the justice system including clogged courts, expensive and lengthy litigation, distrust of lawyers, and dissatisfaction of both winners and losers with outcomes. Proponents of community justice in Hawaii studied the three models of alternative dispute resolution: (1) the agency model that operates as part of a government agency; (2) the community model that operates independently of government at the grass-roots level, and (3) the agency-affiliated model that operates outside of a government agency but with government cooperation. After holding community meetings, conferences with experts, undergraduate classroom simulations, and graduate seminars, faculty and students at the University of Hawaii created a fourth model, the university-based community justice center. University faculty and students underwent training in mediation and volunteered their time to administer the program and to serve as mediators. While keeping costs low, the program achieved very high success rates in resolving disputes and satisfying participants. Students and researchers constructively combined theory in practice and gained valuable experience in politics and personal relations. (JD)

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Community Mediation Service:

A Model for Teaching Democracy and Conflict Resolution

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During the mid 1970s extensive experimentation began on ways to reform the legal system and to examine nonadversarial methods of resolving conflicts. The impetus for change arose out of multiple factors, which included clogged courts, expensive and lengthy litigation, distrust of lawyers, dissatisfaction of both winners and losers with outcomes, and increase in the types and number of interpersonal conflicts submitted to courts for resolution. Criticisms of the inability of courts to handle the demands placed upon it came from judges, lawyers, professional organizations, litigants, and those who were unable to have their conflicts resolved in the courts.

Although recommendations for reform ranged from major institutional change to expansion of the status quo by increasing the number of courts and judges, one area of consensus emerged out of the malaise---the view that adversarial methods of resolving conflict are often ineffective or even deleterious to solving interpersonal disputes between persons with an ongoing relationship.

One alternative advocated by Griffin Bell, Attorney General in the Carter administration, was the establishment of alternative dispute resolution centers across the country. These centers were frequently referred to as neighborhood justice centers (NJCs) and were often reliant on lay volunteers in the community who served as mediators in conflicts between residents in the "community." Not only was the reform emphasis on experimenting with nonadversarial means, but also on deprofessionalizing those empowered to resolve conflicts among citizens. In the late 70's the U.S. Justice Department funded three pilot projects to demonstrate the capacity of three different models of NJCs to resolve conflicts economically, efficiently, and satisfactorily.[1] At the same time private foundations began to experiment with programs that offered even greater democratization of the adjudication process. The Community Mediation Service, established

within the University of Hawaii at Manoa, was created in this era of innovation in 1979 and operated as a research laboratory to study the capacity of students and residents of the surrounding community to learn conflict resolution skills and democratic methods for administering an NJC staffed primarily with volunteers.

Comprehensive research was conducted by a university professor and graduate student prior to their funding the training of mediators for the university-based NJC. After completing an exhaustive search and analysis of the available literature and research reports on existing centers in the United States, they made field trips to three sites and interviewed directors, staff, and mediators to evaluate the various models and to determine which model might function best in a multi-cultural environment with exclusive student and volunteer staffing. The investigation of NJCs revealed three major approaches emerging in the alternative dispute resolution movement and significant disagreements among the practitioners of the different models regarding the merits and drawbacks of the various models. After an evaluation of the three major models, the university researchers designed a fourth model, which was the university-based NJC, which is staffed by faculty and students, who mediate in cooperation with community volunteers. In order to appreciate the uniqueness of the university-based model, it is useful to briefly describe the previously existing models that all influenced the design of the Community Mediation Service (CMS).

Original Neighborhood Justice Center Models

Early proponents of neighborhood justice centers held disparate views on the functions and purposes of the new conflict resolution centers. For example, if the emphasis is on how

mediation can lessen the case-burden on local court systems, then the professionals in the legal systems and/or judicial administration might want to retain control of the center and the processes. Holding this view, they would likely prefer that the mediation service operate out of the courthouse, the prosecutors office, or some other court-affiliated institution.

On the other hand, there are those who see mediation skills as being important to pass on to local community members, or as a means of decentralizing official power. In other words, there are those who see community-oriented mediation as a mode of reversing and/or reducing the general social trends leading to massive psychological alienation and powerlessness.

Obviously, with such widely disparate aims, concepts of referral sources, choice of mediation processes, *modus operandi* for office processes, staffing, location of center, and so forth, decidedly differ among proponents and organizers. The three models described below demonstrate the contrasts and similarities of the early prototypes.

Agency Model

Agency-model NJCs usually function as an adjunct to an established legal department or organization of the local or state government. These centers have been sponsored by courts (the Miami Citizen Dispute Settlement Program), a city manager's office (the Kansas City Neighborhood Justice Center) and county government (the Santa Clara Neighborhood Mediation and Conciliation Service).

Often the primary goal of these centers is to reduce the work load and costs of the organization sponsoring the project. Emphasis is placed on decreased expense for the courts and police and efficiency in handling disputes. Since tax dollars directly pay for staff, administrative

costs, and facilities and government officials must justify the use of funds for the NJC in competition with other services demanded by the citizens, there is justification in terms of cost benefit and the bulk processing of cases.

Community Model

Community-model centers have been funded by private organizations or individuals. They rely primarily upon community control of operations and cases coming directly into the center from the community. The San Francisco Community Board Program, sponsored by non-profit organizations, is the most well-known of the early centers. There are other lesser known and less well-funded operations of the "homespun" mediation variety.[2]

Emphasis in these centers is place on the value of decentralization of power, return of control regarding major decisions to the community, and increasing cooperation among the community residents. Case loads are considerably lower under these models because the primary goal is to pass on new skills to private citizens and/or help organize communities to solve their own problems. Costs vary considerably depending on the degree of dependency on volunteers and the goals of the center, which may stress community-building, as well as conflict resolution.

Agency-Affiliated Community Model

Agency-affiliated Community models function under a philosophy that gained widespread popularity during the Reagan and Bush administrations--in other words, private organizations can handle matters more effectively and efficiently than government institutions or agencies. There is cooperation in the form of government agencies providing funding or cases or other means of

support to the private organization in the hopes that the work load of the government agency will be decreased or will be handled in a more efficient manner.

Centers operating under this model include the Rochester Community Dispute Services Project operated by the American Arbitration Association, the Institute for Mediation and Conflict Resolution Dispute Center in New York City, and the Atlanta Neighborhood Justice Center operated by a private non-profit group specifically incorporated to sponsor the program. While these centers are run by private organizations, their existence relies primarily on the support of government agencies for money and referrals. Emphasis, as in the agency model, is placed heavily on cost efficiency and reduction of court caseload.

There are varying ways of relating to the community in such programs, however. For example, the Los Angeles pilot project in Venice/Del Mar put a much greater emphasis on its public relations and advertising within its area of operation than did other federally funded projects. Thus, its case load was not as heavy, but it had a much higher percentage of people walking into its offices from the street than did other federally-funded centers in Atlanta and Kansas City.

The Community Mediation Service--CMS--is a hybrid of the agency-affiliated community model Its uniqueness is that it establishes a mutually beneficial relationship between the university and the community and that it incorporates university curriculum in its operations--coursework that teaches democracy by being democratic.

The Neighborhood Justice Center Project of the University of Hawaii

Undergraduate Classroom Simulations

A precursor to the Community Mediation Service at the University of Hawaii was a two-year research project on mediation centers in the United States--the Neighborhood Justice Center Project. Initially, the political science researchers sought to identify the criticisms of the American legal system and to examine the impetus behind the creation of mediation centers. To contrast the differences in approaches, they conducted simulation projects in undergraduate classes to demonstrate adversarial methods in court proceedings and nonadversarial practices in mediation. Students were asked to compare the techniques, outcomes, and feelings of participants in litigation and mediation.

Students were amazed at the animosity, antagonism, and anger that were aroused in their simulations of "winner-take-all" procedures of the courtroom. The opposing "lawyers" developed a spontaneous hostility towards one another during the process. Using the same facts, the role-playing participants were then put into the mediation mode. They began very hostile--yelling, accusing, and wanting to win. As the mediation continued, the disputants began to calm down and to even admit some errors and take responsibility for some of the problem. The outcome was a compromise reached by the disputants. The entire class was amazed. The political scientists extended the research project to include graduate students the following semester.

Graduate Seminar in "Courts and Politics"

The graduate students in the seminar on "Courts and Politics" established a research agenda to determine whether there was a favorable attitudinal climate for a neighborhood justice

center in Hawaii and to get some expert and community input developing the design of a center useful to Hawaii's multi-cultural society.

The class developed informational packets that were mailed out to thirty-two neighborhood boards, county planning advisory boards composed of elected citizens. A number of the boards invited the students to attend public meetings to make presentations about NJCs and to listen to the concerns and ideas of the community residents.

Students presented materials on NJCs in the United States and other countries. At the conclusion of their discussions with the community residents, they handed out survey forms to determine: the level of support for an NJC; the types of cases citizens wanted handled in an NJC; and the types of government agencies, if any, the respondents wanted involved in the NJC. The survey results demonstrated broad-based citizen support for neighborhood justice centers. The next step in the NJC project was a conference of government officials and citizen activists at the East-West Center at the university in February , 1979.

University-Sponsored Conference for Governm ficials and Community Activists

The East-West Center meeting on NJCs wa nd informal. Attending were some observers from the Honolulu Police Department, Office of the Prosecutor, some representatives from a few of the Neighborhood Boards, faculty, and students. The main consequence of the conference was the development of a series of joint planning meetings between the university Neighborhood Justice Center Project and a newly formed Neighborhood Justice Center subcommittee of a neighborhood board in very close geographical proximity to the University of Hawaii.

The meetings that followed the conference centered on discussions among community residents, students, and faculty on what kind of center should be established: types of disputes it would handle; how to select mediators; how to fund and staff it.

The university agreed to sponsor a major conference on campus to bring together representatives of successful U.S. neighborhood justice centers, noted mediation researchers, and key justice system officials. The political science researchers donated funds to pay for professional mediation training of students, faculty, and community volunteers.

In the four months of planning for the conference and the establishment of the first neighborhood justice center in Hawaii, a fundamental disagreement developed between a group led by the university researchers and a lawyer in the community, who had chaired the planning sessions. The lawyer wanted an appointed board of directors for the NJC, which would dictate policies of the center. The board would be selected from government and business elites in the community, which would impress potential funders (foundations or government), He also preferred a well-paid professional staff and professional backgrounds for volunteer mediators.

The university researchers, students, and the vast majority of community residents argued for a democratically run center, with a board of directors composed of volunteer staff and mediators. They also contended that the mediators needed to reflect the cultural diversity of Hawaii and should not be restricted to a professional class. The lawyer was unyielding and rejected continued university involvement in planning his elite model. The university group with substantial support from community residents and two years advance planning at that point decided to experiment with an entirely different model than any that had existed previously. They established the first neighborhood justice center in Hawaii and the first university-based NJC in

the United States. The unique NJC--named the Community Mediation Service (CMS)--was comprised of a democratic coalition of community volunteers, students , and faculty, who decided to offer their services island-wide. Their goal was to establish a one-year model project that could serve as a training ground for those who chose to move out into different areas of the state to establish centers fitting specific needs of their neighborhoods.

The smaller group led by the lawyer decided to establish a center exclusively for the voting district in which he lived. They decided to follow the route of becoming a private non-profit organization and seek funds from the Law Enforcement Assistance Agency (LEAA) to pay for a professional director and full-time staff. They replicated the federally-funded and politically-connected Atlanta Neighborhood Justice Center and named their center, which began a few months after CMS, the Makiki Neighborhood Justice Center.

The focus of this paper is on CMS. However, some comparative data will be presented throughout the paper to evaluate the success of the democratically-organized and student-administered NJC.

Creation of the First Neighborhood Justice Center in Hawaii and the First University-Based Neighborhood Justice Center in the United States

The University of Hawaii Law School and the College of Arts and Sciences provided funds for a full-scale educational conference on the various NJCs in the United States. Attended by lawyers, judges, police, legislators, students, and concerned citizens, the conference featured Dan McGillis, a Harvard professor who has written extensively on United States mediation centers; Paul Rupert, Deputy Director of the San Francisco Community Board Program; and Jeff Jefferson, Vice

President in charge of training at the Institute of Mediation and Conflict Resolution, New York City. The purpose was to stimulate interests in the NJC being created at the university and to open discussion and debate about other models, with their widely differing goals and procedures.

Immediately following the state-wide conference, Jefferson offered a 40-hour, panel-method mediation training to 14 volunteers. This group became the nucleus of the first NJC in Hawaii--the Community Mediation Service (CMS). Half of the first group of trained mediators came from the university and half came from the outside community (a lawyer, a policeman, a housewife, a retired government employee, an unemployed Hawaiian activist, and two social workers. The mediators also represented the ethnic diversity of the islands as well as its various age groups. The heterogeneity of the first group of mediators enhanced the training program by providing insight into many ways in which mannerisms and words are interpreted by various cultural groups.

CMS' office staff was composed exclusively of university faculty and students who volunteered their services for approximately fifteen hours per week. At the outset, some of the staff were trained mediators; some who did not receive mediation training did the work out of interest and/or in the spirit of innovation and/or public interest. A particularly unique feature of CMS compared to other models studied was the composition and operation of the Board of Directors. The staff and mediators became the NJCs Board of Directors with each person having an equal vote in establishing policies for the NJC on all issues. Because no one received any monetary remuneration for their services, it is believed that this democratic feature of the volunteer organization kept CMS running, growing, and healthy. Rather than take orders from community leaders, politicians, and experts who comprise the Board of Directors of many centers

in the United States, it was students, faculty, and community volunteers who made the decisions of the Board of CMS.

Under the guidance of Board policy, CMS developed a case referral system that at first relied on the city prosecutor's office. The case-load, however, also consisted of referrals from various county, state, and federal (military) agencies. CMS also conducted a community outreach program that generated cases from the community and private organizations. The CMS staff designed and distributed pamphlets, produced radio advertisements, made organizational presentations, and held press conferences to get the word out about their free services.

CMS utilized existing office space, telephones, computers, files, and other office materials at the Department of Political Science for record keeping, intake, and follow-up. The mediations, however, were set up in various public and private facilities across the island--such as YWCAs, community centers, and libraries--for the convenience of the parties involved in the conflict. The major operating cost of the center, which was picked up by the political science department, was for mailing. The cost of printing brochures and pamphlets was contributed by private individuals and a city agency serviced by the center.

At the outset, students working for CMS did not gain academic credit. Yet they gained invaluable experience and exercised considerable clout in serving as voting members of the CMS Board of Directors.

Major Policies of the CMS Board of Directors

The research and conference on mediation provided many options for the first NJC in Hawaii. After receiving mediation training and experience in mediating cases, the CMS Board of

Directors held regular meetings to establish policies of the center. Responsibilities for agenda-setting and chairing of board meetings was rotated among the members of the board. Undergraduate students often assumed those responsibilities with great success. Following are some of the major policies adopted after considerable discussion.

Three-person mediation panel

In order to provide the CMS mediators with more opportunities for role play, the trainer placed them on three-person panels. As it turned out, the mediators discovered several advantages in working on a panel rather than singly.

First, with the great ethnic diversity in Hawaii and frequent instances of racial hostility between disputing parties, it was believed to be easier to obtain the trust of the disputants when mediators reflected the ethnic mixture of the parties in conflict. Second, CMS found it helpful to work with a mediator of another ethnic background. Jargon could be handled better when unfamiliar customs and mores were explained during the private caucuses of the mediation panel. Third, working on a panel, the mediators appreciated support from one another. When it appeared the mediation was going nowhere or a line of questioning had taken the wrong turn or one of the disputants was suspicious of one of the mediators, another mediator could ease in and change the direction of the process. This helped relieve the pressure one feels when mediating alone in a hostile environment. It also helped lessen tension afterwards, to help each mediator "wind-down."

However, the most important reason for using a panel method for a university-based NJC is its *educational* value. This takes several forms. Obviously, there is the continual learning

process that occurs in working with others. One learned how to handle certain situations by observing other mediators. After each hearing the mediators got together to discuss the case, how the agreement was reached, what seemed to work and what did not, and how similar situations might be handled in the future, It also allowed CMS the luxury of developing the "Apprenticeship Model" of training, which will be discussed later.

This policy had a few inherent problems in it. For one, it created scheduling difficulties for the staff--finding three mediators reflecting the ethnicity, sex, and age of the disputants who could mediate at the same time. This, however, was never a serious problem even though mediators were sometimes given only a few hours notice before a hearing. It also led to our Board of Directors agreeing to permit the use of two-mediator panels, which often worked quite well.

Another problem that also proved minor was the personality differences among some mediators. Some teams did not work as well as others. All in all, though, most mediators felt the panel method worked best for both the disputants and the mediators and no one asked to mediate independently.

Closed Hearings: Strict Confidentiality

Since the concept of the mediation center was originally set up to be a community-based model--there was considerable sentiment that the mediations should be open to the public. That way disputes would be less narrowly defined and the problems of the community could be dealt with in an open forum. However, when it became clear that most of the cases in the center involved personal, intimate disputes between two parties, it was decided that the hearings would be limited to the disputants and members of the CMS staff.

Along with the decision to have closed hearings, it was decided that the proceedings would be confidential and the only records kept would be a copy of the signed agreement, if an agreement was reached. The policy on confidentiality was so strong that it required that mediators tear up their notes as soon as the mediation session was over.

Hearings Held in the Community

While there was adequate space at the university to hold mediation hearings, it was decided that mediations would not be held there. First, colleges and universities intimidate some people in the community--many whom CMS wished to serve. Second, since the university was at least an hour's drive from some of the poorer sections of the island and parking at the university was a problem, the CMS Board decided to go out into the community. This provided no great hardship on the mediators since they also came from all parts of the community.

Free Services

There was no disagreement that services should be free to those who needed them. All mediators volunteered their services. Most expressed the view that the most common remuneration for mediators--$10 per hearing--was entirely inadequate if one were rendering the service for money. There was some debate over whether or not one should be reimbursed for travel expense, but it was decided that the costs involved were minimal and affordable by the individual mediators.

Public service and helping others is a powerful motivation and makes people feel good about themselves. It certainly was demonstrated at CMS. Yet the center began to offer other options to students who did not have the time to donate while maintaining heavy course loads.

The faculty developed practicums that provided academic credits for students involved in center activities.

Mediation Only

While the mediators thought it might be easier to obtain agreements if the combination of mediation and arbitration techniques were used, it was hypothesized that there would be a greater likelihood that the agreement would be upheld if the disputing parties reached it themselves--rather than having it forced upon them. This was particularly true since CMS had no legal authority to enforce agreements.

Case Criteria: Civil and Criminal Cases Between Parties with an On-Gong Relationship

The most controversial issue the mediators dealt with was case criteria. several mediators had a reluctance to handle certain types of cases. One mediator felt that no family disputes should be handled, particularly those that involved child or spouse abuse. Another did not want to accept cases involving collection on bad checks. Several mediators were concerned about handling cases that involved any form of violence. A major dispute among mediators arose over the issue of handling cases where there was a great power differential between the parties.

After debating the pros and cons of accepting various cases, it was decided that the overriding principles involved in accepting a case would be: (a) the existence of an on-going relationship between the parties and (b) agreement among all disputants to try mediation. Each mediator had the option to refuse to hear certain cases. As it turned out, most mediators dropped

their reservations about hearing certain cases and accepted the staff's judgment (usually student's judgment) about whether or not a case was suitable for mediation.

Monthly Board meetings were held to add to or change policies and to discuss ideas and problems mediators had during the month. No decision could be made without a quorum present, but that was never a problem for CMS. Most mediators maintained a very high level of enthusiasm and activity in the pilot project.

The Curriculum Approach of the University-Based Neighborhood Justice Center

As noted above, for the first few months of its existence, CMS operated out of the university and was staffed by students and faculty. It was supported by the political science department, but it was not an official project funded by the university with a director. It was not an institute. It was not a clinic. It was just an NJC based in a university office that was financially subsidized by personal funds of the political science researchers. While no one received payment for work in the center, the initial training cost a few thousand dollars and brochures cost a few hundred.

CMS served as a useful laboratory for research of alternative dispute resolution techniques, community building, and democratic governance. As lessons were learned, new hypotheses arose to be tested or ideas developed into experiments. It was a synergistic center of meshing theory with practice. Fortunately, one of the survivors of the vast change in university curricula of the 1960s at the University of Hawaii was the existence of such courses as "independent studies," "practicums,"and "internships." As a result, CMS developed a mutually beneficial training process for staff and mediators that allowed students under the supervision of

faculty to obtain academic credit by servicing as apprentices at CMS. Students within the political science department were allowed to take up to three semester courses in practical course-work. Faculty working with CMS developed a number of options for students. The on-campus internship program allowed students to sign up for independent study or as interns to work in the university-based NJC. Depending on their particular interests or circumstances, students could sign up for 3-9 semester hours of credit in practicums or independent study courses.

All students who signed up for such classes, however, had to do required reading and attend classes. The classes often served as "staff" meetings to discuss various aspects of the readings, particularly as they related to the worldwide mediation situation. Slowly, the students were introduced into the office work and all facets and phases of CMS. If they were able to complete and master all components of the process, known as the "Apprenticeship Model," they became a certified CMS mediator and member of the Board of Directors.

The Apprenticeship Model

As designed by the political science researchers in cooperation with the CMS Board of Directors, the apprenticeship model had four phases.

Phase 1. Students were required to read research materials on mediation and NJCs. Apprentices also read literature on how mediation hearings differ from courtroom hearings. Articles and books written by anthropologists, lawyers, sociologists, psychologists, political scientists, and community leaders provided the necessary background for apprentices to move on to the next phase.

Phase 2. Students moved onto office work. After becoming familiar with the office manual describing the policies and procedures at CMS, the apprentice began work under the guidance of a CMS director (student, faculty, or community mediator. All aspects of the office work were learned and practiced by the apprentice who had to complete four tasks using any combination of the following tasks before moving on to the third phase: arranging a mediation, conducting a telephone conciliation, and/or patching up a broken agreement.

Phase 3. There were two major aspects to this phase: simulation and observation of actual mediations. After apprentices read a manual on techniques used in mediation, they had to participate as mediators on at least two simulation panels. The Department of Sociology had a small-group lab with a one-way window. Professors from the political science and sociology departments, who served on CMS' Board of Directors, developed and supervised the simulations.

Initially apprentices had to participate in two simulations before any observations of real mediations could take place. It was decided later, however, that observation after one simulation was acceptable since it could serve as a useful teaching devise to emphasize the points made during the critique of the simulation. After students participated in at least two simulations, observed two mediations, and received the approval of one of the simulation instructors, she/he moved to the next phase.

Phase 4. The final phase involved the student sitting on an actual mediation panel as either a third or fourth mediator. For purposes of the mediation, the apprentice acted as a full-fledged mediator. Apprentices shared equally in the explanation of the mediation and in the questioning of the disputants.

After each mediation a discussion was held by the mediators and apprentice to evaluate the process and behavior of those involved in the mediation. Not only did these discussions involve a critique of the apprentice's behavior, but the apprentice also questioned the mediators about why certain questions were asked or why sessions were handled in particular ways.

Once the apprentice received the approval of five CMS mediators (which was possible after only two mediations) the apprentice was certified by the CMS Board of Directors as a trained mediator and automatically became a member of the CMS Board of Directors. After completing the CMS apprenticeship, the student mediator had a much more comprehensive knowledge of all the aspects of the NJC than the original mediators. Because they had functioned as staff as well s mediators, they were able to develop proposals and projects that took into consideration the needs, limitations, and expertise of both the staff and mediators. They also developed a better understanding and appreciation of the crucial and effective role played by the staff in the mediation center.

What is more, they developed a keen, empirically-based comprehension of a process and set of techniques that are extremely effective in conflict resolution--at individual and group levels. The apprenticeship training combined studies in psychology, sociology, anthropology, law, and political science that analyzed techniques that had been incorporated into the CMS model of conflict resolution.

Advantages of the University-Based NJC

Availability of university resources. Including an NJC in the university curriculum has economic, social, and educational benefits. As in the case of CMS, universities often have

resources that can be utilized by the mediation center without much additional cost, such as office space, telephones, typewriters, computers, and office equipment. CMS shared space with a statewide public opinion polling project that was operating out of the political science department. Utilization of existing space and equipment, however, needs the support of colleagues and university administrators. It is important that they see merit in the project and lend support.

Faculty and student staffing. The staff of CMS was composed largely of students who volunteered their services and/or received academic credit. In addition, the salaries of the "executive directors" were those of professors in the capacity as teachers, not administrators. After an initial expense of providing training for mediators, the operating expenses of a university-based NJC are considerably lower than those with relatively high paid directors and associate directors. Costs of CMS did not begin to reach what are described as "relatively modest budgets" of the Columbus, Ohio and Rochester, New York centers with operating costs in 1977 of $43,000 and $65,000 per year, respectively. (McGillis, 7)

Independence from funding source constraints. The low-cost, curriculum-based operation provides an independence from funding sources who may inhibit experimentation or may emphasize priorities not chosen by those involved in administering the program. It saves time and energy of the "executive director" who can put her or his efforts into improving the services offered by the center or generating research. It is often the case that executive directors spend the bulk of their time scrounging around for funding on a perpetual basis. It also assure that as long as interest and need exist, the NJC can exist because it relies primarily on the existence of the supportive university curriculum, not heavy funding.

Wedding of theory and practice. In addition to the economic factor favoring establishment of NJCs within universities, there is an ever-increasing need for universities to wed theory and practice. A frequent criticism made of universities and academics is that they are too theoretical, too critical, too removed from reality, and not really interested in the community that pays the bills. Politicians, businessmen, and community leaders often ignore the recommendations and suggestions made by university professors whom they believe live in ivory towers conducting (from their perspective) meaningless studies.

University assistance to the community. It is important that universities and colleges lessen the distance between themselves and their communities. One way to do this, particularly in a political environment that demands less governmental bureaucracy and greater community self-sufficiency, is for the university to play a role in this conversion. By offering a practical program that is based in sound theory, the university can provide a continual flow of community mediators into the community who can utilize their peace-making skills in all sorts of personal and organizational settings. Particularly, at a time when social tension and conflict seem sure to rise in the future, this service from a university curriculum can only bring smiles to the faces of people in the community who could only frown at the mention of "Academia."

Student internships to learn and apply useful skills. CMS met the demands of students who wanted to learn social, commercial, personal, and political skills. As stated earlier, students working under the guidance of faculty, developed the referral system; conducted the public relations; became liaisons with the community and legal and military agencies; designed the CMS office forms and procedures; and successfully mediated as many agreements over the telephone as were achieved in actual hearings. The motivation level remained high with many

students contributing hours of volunteer work in addition to the course requirements. When CMS became the model for a city-sponsored mediation program, four of the students involved in the CMS program from the outset wrote a manual on office procedures and were hired to help train the CETA workers who were to run the city centers.

Source for ongoing research and experimentation. Whether mediation training is provided free or for a fee, it is an important contribution that can be made through the resources of the university. It needs the compilation of knowledge and expertise of sociologists, psychologists, political scientists, and communication specialists. Not only does the university have the data and research available for training, but its faculty is experienced in teaching and evaluating. It is unfortunate that these resources available at universities have not been utilized more by NJCs across the country, particularly when the costs of bringing in outside consultants/trainers are high.

CMS' Success Story: Supporting Data

The real proof of the success of this social and academic experiment is in the data. The idea would be worthless if the curriculum-based, university-headquartered NJC failed to produce *results*. The data provided in Tables 1 and 2 shows how the unique combination of students, faculty, and community volunteers produced successful resolution of numerous conflicts in the community. Table 1 presents data on the CMS caseload: number of cases entering the office and the referral sources. Table 2 presents follow-up survey results of disputants who had their cases successfully resolved at CMS.

After nearly a year of operation CMS conducted an analysis of the type cases referred to them and how the cases were resolved. (Table 1) Most of the 227 referrals to the center came from the Prosecutor's Office (46%). However, the success of the public relations program and the community outreach was obvious with nearly a third of the cases coming from self-referrals (18%) and community agencies (11%). The remaining cases were referred by Legal Aid (9%), Family court (6%), and the Neighborhood Commission (6%). The Neighborhood Commission was a county department that served as a lightning rod for neighborhood disputes. It later established its own mediation service and hired CMS faculty and students to train volunteers and staff. CMS also worked hard to attract cases from military agencies. In Hawaii, service personnel get involved in many disputes with local residents--and community mediation provided a welcome service.

Half of the cases referred to the center involved either disputes between friends or disputes between neighbors. These were the cases that CMS had always felt would be best served by mediation centers. The two type cases that produced considerable debate when the Board was determining case criteria--domestic disputes (quarrels among family members, child support, visitation rights) and consumer-merchant disputes--comprised nearly one third of all cases referred to the center. The remainder involved either disputes between landlord-tenant or employer-employee.

The staff screened out over 40% of the cases referred to CMS because there was no on-going relationship between the parties or one of the parties was unwilling to mediate. However, some form of agreement was reached in 50% of the cases coming into CMS either by the parties reaching an agreement themselves (14%), telephone conciliation conducted by a staff member

Table 1: CMS Case History: First Nine Months of Operation

Nature of Dispute (N=227)	# of Cases	Percent
Domestic: Visitation	11	5%
Domestic: Child Support	4	2%
Domestic: Family Dispute	29	13%
Neighbor Dispute	55	24%
Friend/ex-Friend Dispute	58	25%
Landlord-Tenant	29	13%
Consumer Merchant	36	16%
Employer-Employee	5	2%

Origin of Case (N=227)	# of Cases	Percent
Family Court	13	6%
Prosecutor's Office	104	46%
Community Agencies	25	11%
Self-Referrals	41	18%
Legal Aid	20	9%
Military	11	5%
Neighborhood Commission	13	6%

Resolution of Case (Cases Closed) (N=211)	# of Cases	Percent
Fail to Arrange/ Screen-out	93	44%
Hearing Set/No-Show	8	4%
Hearing Held/No Agreement	4	2%
Hearing Held/Agreement Reached	38	18%
Telephone Conciliation	38	18%
Parties Reach Agreement Themselves	30	14%

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(18%), or mediation through a successful session (18%). The rate of success in reaching agreements at the mediation sessions, once they were held, was 90%. This high success rate was due to a combination of factors: the staff's skill in explaining the mediation process to the parties, the willingness of the parties to compromise, and the skills of the mediators in helping the parties communicate and resolve their differences.

The staff at CMS, under the guidance of the Board, designed a questionnaire to determine how effective the program was in helping individuals resolve their disputes. CMS wanted to obtain feedback from those utilizing its services to help evaluate its policies and procedures and to make them as responsive as possible to the needs of the community. Follow-up surveys were conducted one month after the mediation was held and then again two months later.

After more than nine months of operation, follow-up data was compiled on 45 cases that CMS had resolved andin which they were able to contact the parties involved. The data in Table 2 is based on ninety interviews. Not only were 92% of the respondents either very satisfied with the mediation hearing, but 89% said the problem was totally resolved and none said the problem still existed. In addition, 71% said they would file a complaint with CMS in the future if they had problems resulting in disputes of a similar nature.

These figures compare favorably with data from heavily funded NJCs in Atlanta, Kansas City, and Los Angeles. Composite date from the centers representing responses from over 1,000 disputants showed: 84% were satisfied with the mediation; and 73% state they would return to the NJC for similar problems in the future. (McGillis, 5)

In evaluating CMS mediators, 100% of the respondents stated that the mediators were very open-minded, and 92% said the mediators were helpful. It appeared that the CMS panel

Table 2: CMS Follow-Up Survey Results

1.	**How satisfied were you with the agreement reached at the CMS mediation hearing you participated in?** **46% very satisfied 46% satisfied 0 unsatisfied 8% very unsatisfied**
2.	**To what extent has the other party kept to the terms of the agreement?** **50% completely 42% satisfactorily 6% not too well 2% broken it**
3.	**In your opinion, is the problem which resulted in the complaint resolved?** **89% yes, totally resolved 13% the problem is only partially resolved** **0 the problem still exists**
4.	**If you have future problems resulting in disputes of a similar nature, what would you do?** **0 I would try and ignore it and do nothing.** **6% I would try to work it out myself.** **71% I would file a complaint with CMS** **17% I would file a complaint in court or seek a lawyer.** **6% Other (Specify).....**
	Now, if you don't mind, we'd like to ask just a few questions about our mediation process--to help us improve it as much as possible.
5.	**If you had a choice, how many mediators would you have preferred to hear your case?** **30% one 40% two 30% three 0 more than three**
6.	**How would you describe the attitude of your mediators?** **100% very open-minded ___ open-minded ___ somewhat biased ___ very biased**
7.	**How helpful were the mediators to you?** **69% very helpful 23% helpful 8% not too helpful 0 made matters worse**

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method made some difference to the disputants: 40% preferred 2 mediators; 30% wanted one; 30% wanted three; and none preferred more than three.

The results of the survey had a very positive impact on the mediators and spurred a new burst of energy in the midst of a difficult year of learning a lot by trial and error. It convinced the interns, staff, and mediators that their services were, indeed, needed and appreciated.

Prospects for the Future

The political scientists that envisioned CMS and funded the original training of mediators established the program as a prototype to demonstrate the capability of average citizens to learn mediation skills and to use those skills to serve as conflict resolvers in their communities and their personal lives. Grounded in the philosophy of the community model, they sought to train others to take the services into their own neighborhoods. After a year of operation, the City and County of Honolulu received a federal grant to develop a network of mediation centers throughout the county. They hired CMS faculty and students to train their staff and volunteer mediators.

The Makiki Neighborhood Justice Center reversed its original plan to stay local and handle no family disputes and began to mediate island-wide and handle the wide array of cases that CMS had chosen to handle from the outset. They sought substantial federal funding to hire a professional director, two associate directors, and two clerical workers and received it. With their impressive and politically-connected Board of Directors, they were able to obtain state funding when the federal funds ran out.

Since the CMS faculty funders and researchers had never envisioned an on-going center on campus, but a demonstration project, when their one-year plan was completed with mediation centers spurting up around the island, they arranged internships for the university students in the off-campus centers. The students, with advising from faculty, then established a mediation service on campus to handle student and faculty problems exclusively.

The off-campus internships proved to be very disappointing to most students. They felt underutilized, ignored, and unwanted. They certainly did not obtain voting rights as members of the Board of Directors. In evaluation surveys at the conclusion of their internships, they complained extensively about the lack of appreciation they received and the lack of input they had in the centers off-campus.

The original visions of the political science researchers--to have the university contribute to the development of mediation centers around the island--were realized beyond their expectations. An unanticipated benefit was the manner in which students would assume responsibility and relish the opportunity to contribute their time and expertise to helping others. Unfortunately, when they moved into the city-run or professionally-run centers, they were treated as gophers who took orders.

Comparative data clearly demonstrates that the faculty-student-community CMS program, which was democratically run, was as successful as any other program in Hawaii. The costs were considerably less and time was spent exclusively on casework and learning about mediation--not fundraising. And most importantly, the educational advantage of teaching democracy by being democratic was appreciated by both students and faculty.

Can a mediation center comparable to CMS be duplicated in this climate of massive cut-backs in higher education, particularly in public institutions? Yes, it can, but not if current priorities exist--in other words, increasing the number of university vice-presidents and administrators, while reducing faculty and enlarging class sizes. Also, as the number of graduates from doctoral programs swell the ranks of those seeking university employment, criteria are being utilized to screen and weed out the "unworthy" in academia. Emphasis is placed ever more on quantity of publications, dollars obtained in research grants, and number of classes taught. Qualitative analysis of faculty product and student learning is taking a back seat to indiscriminate numbers crunching and counting. Faculty who teach or administer internships, practicums, and independent studies discover to their dismay, that the endless hours they spend in one-on-one roles with students counts very little, if any, in tenure and promotion decisions. It is quite common to reward those who publish extensively (while being miserly with their time with students) and to relegate to the bottom rungs of the ladder forever those who immerse themselves in the education of their students. University professors must not just teach, they must also bring in money. Universities are run by so-called "free-market" conditions that pay assistant professors in Business Colleges more than full professors with 30 years experience in Liberal Arts Colleges. The picture looks gloomy for a replication of curriculum design comparable to that offered undergraduates at the University of Hawaii during the days of CMS.

Yet the proponents of applied research, university practicums, and internships continue to offer innovative courses and programs that offer students more than textbook analysis and that challenge theories and present action-research opportunities. As long a democrats exist within the university, they will find ways to teach democracy by being democratic.

1. For an excellent history of the early development of the NJC movement in the United States, see Daniel McGillis, *Neighborhood Justice Centers* (Washington, DC: Government Printing Offices, 1978). Cf: Benedict Alper and Lawrence Nichols, *Beyman the Courtroom: Programs in Community Justice and Conflict Resolution* (Lexington Books, 1981).

2. See Paul Warhaftig, (ed.), *The Citizen Dispute Resolution Handbook* (Pittsburgh, PA: Middle Atlantic Region, American Friends Service Committee, 1977).